

October 1, 1997

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
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Seattle, Washington 98104
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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Transportation Roads Services Division File No. **V-2290**
Proposed Ordinance No. **97-448**

CAROL COLLIER & KENT IVERSON
Petition for Road Vacation

Location: Portion of right-of-way at the intersection of 73rd Avenue NE
(also known as Champagne Point Road) and NE 112th Street

Petitioners: Carol Collier & Kent Iverson
7345 Champagne Point Road
Kirkland, WA 98045
(425) 820-8624

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Grant petition
Department's Final:	Grant petition
Examiner:	Grant petition

PRELIMINARY MATTERS:

Petition submitted: January 16, 1996

EXAMINER PROCEEDINGS:

Hearing Opened:	August 19, 1997
Hearing Administratively Continued for Receipt of Affidavit of Publication:	August 19, 1997
Hearing Closed:	September 25, 1997

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location:	Portion of right-of-way at the intersection of 73rd Avenue NE (also known as Champagne Point Road) and NE 112th Street
Right of way classification:	"B-Class"
Area:	3,800 square feet
Compensation:	\$19,437.00

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the August 19, 1997, public hearing and the statement of facts contained in Proposed Ordinance No. 97-448, March 24, 1997 draft. The said reports will be attached to the copies of this report and recommendation submitted to the King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 97-448 to vacate the subject road.

RECOMMENDED this 1st day of October, 1997.

R.S. Titus, Deputy

King County Hearing Examiner

TRANSMITTED this 1st day of October, 1997, to the following parties and interested persons:

Carol Collier/Kent Iverson
Viacom North
Puget Sound Energy
Terry M. Horne/GTE Northwest
Rob Jammerman/City of Kirkland

Cheryl Paras/Washington Natural Gas
Daniel Pepper
METRO Transit
Stephen Schommer/Northshore Utilities

Greg Borba, DDES/LUSD
Tommy Burdette, Dept. Transportation/Roads Services
Sharon Claussen, Dept. Parks & Cultural Resources
Marilyn Cox, DDES/LUSD
Paul Toliver, Director, Dept. Transportation
Tom Eksten, Dept. Natural Resources
Dennis Gorley, Dept. Transportation/Roads Services
Bill Hoffman, Dept. Transportation
Rod Matsuno, Dept. Transportation
Dave Preugschat, King County Property Services
Gary Samek, Dept. Transportation
Charlie Sundberg, King County Historical Preservation
Harold Taniguchi, Dept. Transportation

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before October 15, 1997**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before October 22, 1997**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE AUGUST 19, 1997, PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION FILE NO. V-2290, COLLIER - IVERSON PETITION FOR ROAD VACATION:

R.S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Dennis Gorley and Carol Collier.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 King County Department of Transportation, Report to the KC Hearing Examiner, for public hearing August 19, 1997, V-2290/Collier-Iverson
- Exhibit No. 2 Transmittal letter, dated January 16, 1996, to KC Department of Transportation, from Clerk of the Council
- Exhibit No. 3 Petition for Vacation of a County Road, dated received January 5, 1996, from Carol Collier & Kent Iverson
- Exhibit No. 4 Map depicting vacation area
- Exhibit No. 5 Non-refundable processing fee check, no. 1121, in the amount of \$100.00, to Clerk of King County, from Carol A. Collier
- Exhibit No. 6 Vicinity map
- Exhibit No. 7 King County Department of Assessments "property characteristics" of abutting property
- Exhibit No. 8 King County Department of Assessments property valuation data
- Exhibit No. 9 Letter, dated March 14, 1996, from KCDOT, to Carol Collier & Kent Iverson, re: modification of legal description
- Exhibit No. 10 Modified legal description, dated March 16, 1996, signed by Carol Collier and Kent Iverson
- Exhibit No. 11 Map depicting modified vacation area
- Exhibit No. 12 Road Vacation Worksheet V-2290-xls, dated July 19, 1996
- Exhibit No. 13 Recommendation letter, dated August 26, 1996, to Clerk of the Council, from KCDOT
- Exhibit No. 14 Compensation letter, dated October 23, 1996, to Carl Collier and Kent Iverson, from KCDOT
- Exhibit No. 15 Letter, dated February 5, 1997, to Carol Collier and Kent Iverson, from KCDOT, re: utility easements
- Exhibit No. 16 Compensation check, no. 1003, in the amount of \$19,437.00, to King County Office of Finance, from Carol A. Collier
- Exhibit No. 17 Transmittal letter, dated July 14, 1997, to Councilmember Jane Hague, from King County Executive
- Exhibit No. 18 Proposed ordinance no. 97-448, dated March 24, 1997
- Exhibit No. 19 KCDOT Notice of Hearing, dated July 28, 1997, for hearing to be held on August 19, 1997, re: V-2290/Collier & Iverson
- Exhibit No. 20 Affidavit of posting, dated July 28, 1997, Subscribed and Sworn July 28, 1997

Pursuant to administrative continuance, on September 25, 1997, the following exhibit was offered and entered into the hearing record:

- Exhibit No. 21 Affidavit of Publication

RST:gb
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Attachments